

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
JULY 12, 2002**

The following narrative and summary highlights actions taken by the North Carolina Alcoholic Beverage Control Commission at its regular meeting on July 12, 2002. The meeting was tape recorded and the tape is on file at the ABC Commission/Legal Division.

ROLL CALL

Acting Chair Ann Scott Fulton was present for the meeting, along with Commission Member Ricky Wright. Commissioner Member Mike Joyner was unable to attend.

MINUTES OF JUNE 14, 2002 MEETING

The Chairman asked Commission Member Rick Wright if he had any corrections or additions regarding the Commission Agenda for the June 14, 2002, meeting. Commissioner Wright had no corrections or additions. The Chairman made a motion to approve and waive the reading of the minutes into the record. Seconded by Commissioner Wright. So Ordered.

EXECUTIVE ORDER REGARDING CONFLICTS OF INTEREST

As required by Executive Order Number One, the Chairman asked Commissioner Wright if there were any known conflicts of interest or any conditions or facts that might create the appearance of a conflict of interest with respect to any matters on the Agenda. The Chairman stated she found no conflicts of interest with regard to herself. Commissioner Wright stated he had reviewed the agenda and found no conflicts of interest. So Ordered.

HEARING CASES - 87 listed.

Chief Deputy Counsel Fred Gregory stated that there was one contested case, #1, Twin Peaks. He further stated that the Attorney Joseph L. Ledford, attorney for the permittee, signed an offer in compromise for his client. Commissioner Wright made a motion to accept the signed offer in compromise. Seconded by the Chairman. So Ordered.

Chief Deputy Counsel Fred Gregory stated that James Anant was present to speak on behalf of # 59, Homewood Suites. Mr. Anant stated that employee, Ms. Alta Beth Lowery, upon discovery that they did not have enough alcohol, went out to purchase alcohol from a grocery store and then at a later date went to an ABC store. He stated that she made this decision on her own and he was not aware if she knew that

she couldn't purchase alcohol from anyone other than a North Carolina licensed wholesale supplier. He further stated that she did not try and conceal the fact that the alcohol was purchased and that she has an otherwise perfect record. She was issued a warning and required, along with the other employees to be retrained in the alcohol regulations. The Chairman asked how much alcohol was purchased. Assistant Counsel LoRita Pinnix stated that (9) 1.75 liter bottles of liquor and (3) cases of beer had been purchased. The Chairman made a motion to accept the signed offer. Seconded by Commissioner Wright. So Ordered.

#6, C Mini Mart 12 – Mr. Small was present to speak on behalf of the business. He stated that the employee made a mistake and added wrong. He said that he was very sorry that the incident happened. He felt that the penalty was too steep. The Chairman made a motion that in view of the permittee's good history of operation with no violation, to modify the penalty to 10 days or \$600.00. Seconded by Commissioner Wright. So Ordered.

The Chairman had a question about #22, Robinhood Road BP. She stated that the time of the first violation should read.....September 2, 2001, at 2:03 a.m., not September 2, 2001, at 2:03 p.m.

REMAINING OFFERS IN COMPROMISE

The Chairman made a motion to ratify all remaining offers with the exception of #6 and #59, which were already ratified. Seconded by Commissioner Wright. So Ordered.

Attorney William Potter was present to speak on behalf of #86, King Richards. Mr. Potter stated that his client was convicted of felonious conspiracy to defraud the United States and attempt to evade or defeat tax. He stated that this took place back in the 80's and asked that there be some resolution regarding this case, so that his client would be able to resume his business. The Chairman asked if the permittee had his citizenship restored. Mr. Potter stated that he didn't have any paperwork stating that he had his citizenship restored. The Chairman stated that the Commission didn't have an offer to present the permittee, but would be willing to do so and that it would be brought up at the August Commission meeting.

- II. ABC Store Location –Edgecombe County. ABC Administrator Michael Herring presented information regarding an ABC store relocation in Rocky Mount, NC. Agent Kelvin Dickens with District II, conducted an investigation and found the Edgecombe County ABC Board would like to relocate the Edgecombe County ABC Store #6 to 1101 North Raleigh Street in Rocky Mount, NC. Marvin H. Proctor and his wife Chesley H. Proctor own the proposed property. Mr. Proctor is deceased and Ms. Proctor currently lives in a nursing home. The proposed property is approximately 100 by 136 feet. The nearest church is 1.1 miles and the nearest school is 5.1 miles from the proposed site. The property is properly zoned for business B-2, which includes the sale of alcohol. The sign regarding notice of intent to open an ABC store has been posted for 30 days in accordance

with ABC Commission regulations. There is no conflict of interest. To date, no complaints had been received regarding the proposed ABC Store location. Agent Dickens spoke with five surrounding property owners regarding the proposed location. Three had no objections and two had concerns about the ABC store being so close. Mr. Herring made a recommendation to approve the location. The Chairman made a motion that the store location be approved, seconded by Commissioner Wright. So Ordered.

OTHER BUSINESS

Assistant Administrator Doyle Alley stated that he had prepared and presented the Commission with the penalties guidelines grid for the legal division. The Chairman made a motion to make the guidelines effective on or after July 15, 2002. Seconded by Commissioner Wright. So Ordered.

The Chairman stated that she had interviewed people for the attorney position within the legal division and wanted to give Commissioner Wright the opportunity to speak with the candidates they were considering hiring. Commissioner Wright stated that he didn't feel that it was necessary for him to speak with the candidates and that they could go ahead and proceed with the hiring process.

No other business, new or old, was heard. The Chairman made a motion to adjourn this meeting. Seconded by Commissioner Wright. So ordered.

With no further business, the meeting adjourned.

Ann Scott Fulton, Acting Chair
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by

Tiffany C. Goodson, Legal Division